

NOTICE OF OBJECTION TO CONFIRMATION

CITIMORTGAGE, INC. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

MARIE-ANN GREENBERG, Trustee  
30 TWO BRIDGES RD, SUITE 330  
FAIRFIELD, NJ 07004

Attend the hearing scheduled to be held on 11/28/2018 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: October 31, 2018

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

**File No. 815794**

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road  
Mt. Laurel, NJ 08054  
856-813-5500  
FAX Number 856-813-5501  
CITIMORTGAGE, INC.

In Re:

DIANA MENA

Debtors

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 18-20482 - SLM

Hearing Date: 11/28/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, CITIMORTGAGE, INC., the holder of a Mortgage on Debtor's residence located at 820 PALISADE AVENUE, UNION CITY, NJ 07087 A/K/A 820 PALISADE AVE, COUNTY OF HUDSON, UN CITY, NJ 07087 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is CITIMORTGAGE, INC.
2. On June 29, 2018, Secured Creditor filed a Proof of Claim listing pre-petition arrears in the amount of \$484,794.70, post-petition monthly mortgage payments in the amount of \$4,069.21 and a total debt in the amount of \$722,905.01.
3. Debtor's Amended Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
4. Debtor's Amended Plan currently provides for payment to Secured Creditor in the amount of \$0.00.
5. Debtor's Amended Plan is contradictory in nature as it provides for pursuit of a loan modification as well as sale of the property. There is no documentation to support such a proposal and the proposed sale of the property is speculative in nature. Debtor's plan is

further speculative in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved

6. Secured Creditor objects to Debtor's Amended Plan as it is severely underfunded. Debtor's Amended Plan should be amended to fully fund the arrears owed to Secured Creditor during the term of the Plan rather than rely on speculation that the property will be sold or a loan modification will be obtained.

7. Secured Creditor is opposed to sale of the subject property unless it pays Secured Creditor's lien in full, subject to a valid payoff. Furthermore, if Debtor seeks to sell the property Secured Creditor demands that full post-petition mortgage payments be made while sale is pending.

8. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, CITIMORTGAGE, INC. respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

Dated: October 31, 2018

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

815794  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for CITIMORTGAGE, INC.

In Re:

Diana Mena

Case No: 18-20482 - SLM

Hearing Date: 11/28/2018

Judge: STACEY L. MEISEL

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, MICHAEL ROCKS:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents CITIMORTGAGE, INC. in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On October 31, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: October 31, 2018

/s/ MICHAEL ROCKS  
MICHAEL ROCKS

Name and Address of Party Served	Relationship of	Mode of Service
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	Party to the Case	
Diana Mena 820 Palisade Ave Union City, NJ 07087-4120	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Diana Mena 820 Palisade Avenue Union City, NJ 07087 A/K/A 820 Palisade Ave County Of Hudson, Un City, NJ 07087	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Benjamin Jamie Ginter, Esquire 34 Forest Ave Cranford, NJ 07016	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg, Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.